

Serial No.: 10/827,154
Group Art Unit: 2683
Examiner: Muthuswamy Ganapathy Manoharan

REMARKS

Claims 1-25 remain in this application. No Claims have been canceled or amended.

It appears the Office Action has rejected Claims 1-3, 6-8, 11-14, 20-23, and 25 under 35 USC 103(a) as being unpatentable over Klem (US 5646978) in view of Ekman (US 6807422); and Claims 4, 9, and 15-16 under 35 USC 103(a) as being unpatentable over Klem in view of Ekman and further in view of Srinivas (WO 01/82551); and Claims 5, 10, and 17-19 under 35 USC 103(a) as being unpatentable over Klem in view of Ekman and further in view of Gibbs (US 6683877). Applicant respectfully traverses.

Lack of Motivation

Regarding the independent Claims 1, 12, and 20, which were rejected under 35 USC 103(a) as being unpatentable over Klem in view of Ekman, the Office Action states that Klem does not teach "bidirectional and unidirectional termination points" for which the Applicant agrees. The Office Action then relies on Ekman for these aspects citing Col. 10, lines 4-5 and Col. 9 lines 45-46 and stating that it would be obvious to one of ordinary skill to have "bidirectional and unidirectional termination points". The Office Action also states, as apparent basis for combining the above-mentioned references, "This modification makes the channel assignment easier since the free channels are immediately know". Applicant respectfully asserts, for the following reasons, the rejections under 35 USC 103 do not raise a prima facie case of obviousness and/or are improperly applied and should be withdrawn.

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Applicant asserts that there is nothing in either Klem or Ekman which would cause a person of ordinary skill to think of combining them, as above-mentioned. Particular finding must be shown to establish a prima facie and broad conclusory statements standing alone are not "evidence". The Office Action makes a broad conclusory statement that "This modification makes the channel assignment easier since the free

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channels are immediately know". Applicant asserts that without more the record does not provide the evidence required for a prima facie case of obviousness.

Further, even if it is determined that there is sufficient evidence to support a prima facie case of obviousness, Applicant asserts that to combine Ekman with Klem would teach away from the inventions as Claimed in independent Claims 1, 12, and 20. It appears to Applicant that the limited teaching of "unidirectional logical channels" in Ekman teaches to establish a unidirectional logical channel from the target GSM radio access gateway 3A' to the destination GSM radio access gateway 3B (i.e., the destination party) (see Ekman Col. 9, lines 45-62). This teaches away from inventions as Claimed in independent Claims 1, 12, and 20 where generally it is claimed to establish a unidirectional connection in the direction from the first media gateway to the second media gateway. Thus, Applicant asserts that the two references are improperly applied as the resulting combination is note the claimed invention.

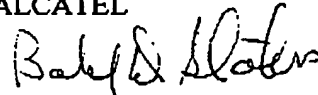
Claims 2-11, 13-19, and 21-25 depends from and further limits, in a patentable sense, independent Claims 1, 12 and 20 respectively and, hence, are also submitted to be in condition for allowance for at least those reasons above-stated.

CONCLUSION

It is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Bobby Slaton at (972) 519-2295.

Respectfully submitted,

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